

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2206.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: January 18, 2005
DATE OF REPORT: February 7, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 10, 2005

COMPLAINT ISSUES:

Whether the Western Boone County Community School District and the Boone-Clinton-North West Hendricks Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically by failing on January 13, 2005, to allow the Student to visit the school nurse upon the Student's request.

FINDINGS OF FACT:

1. The Student has been identified as having an other health impairment and has been determined eligible for special education and related services. The Student is in first grade and has chronic pulmonary disease and other health problems.
2. The Student Health Plan included in the April 23, 2004, IEP states that the Student "will have unlimited access to the school RN for assessment and treatment. If he asks to see the nurse, he will be allowed to go without exception."
3. The Student's Classroom Teacher acknowledges that on January 13, 2005, the Student asked to go to the nurse's office and was not allowed to go. The Teacher did not allow him to go because he had just been to the nurse's office a short while before, and the Student was upset at being corrected for not following directions.
4. The Classroom Teacher observed the Student after he asked to go to the nurse, and asked him how he was feeling after the lesson was finished.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the School failed to implement the Student's IEP as written when the Student was not allowed to go to the nurse. Although the Teacher was careful to observe the Student and to check on how he was feeling, as indicated in Finding of Fact #4, the IEP was not followed as written. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Western Boone County Community School District and the Boone-Clinton-North West Hendricks Joint Services shall send a written memorandum to all special education instructional staff and CCC coordinators to notify them of the need to implement IEP's as written.

Documentation of compliance (consisting of a copy of the memorandum and a list of recipients) shall be submitted to the Division by March 10, 2005.